

September 15, 2006

Mr. Les Boles, Director  
Office of State Budget  
1201 Main Street, Suite 950  
Columbia, South Carolina 29201

**RE: FY 2005/06 Accountability Report - Letter of Transmittal**

Dear Mr. Boles:

Please accept the following letter of transmittal of the FY 2005/06 Accountability Report for the SC Commission on Prosecution Coordination. Should you have questions regarding this report please contact:

The Honorable Thomas E. Pope, Chairman  
Solicitor, Sixteenth Judicial Circuit  
Moss Judicial Center  
1675-1A York Highway  
York, South Carolina 29745  
Telephone: (803) 628-3020  
Fax: (803) 628-3114

William D. Bilton, Executive Director  
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Columbia, South Carolina 29211-1561  
Telephone: (803) 343-0765  
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The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program, a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor.

The primary clientele served by this agency are the sixteen Judicial Circuit Solicitors, the deputy solicitors and assistant solicitors throughout the State, the sixteen Judicial Circuit

Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention programs representing the forty-six (46) counties of this State, and those Solicitor-based investigators.

The Commission has the following duties:

1. Coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;
2. Submit the budgets of the Solicitors and their affiliate services to the General Assembly;
3. Encourage and develop legal education programs and training programs for Solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving Solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State; and
4. Provide blank indictments for the Circuit Solicitors.

The Commission determined that these statutory duties proscribe the agency's mission and objectives. It is against these statutory requirements that the agency measures its performance.

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

William D. Bilton

Enclosures

## **South Carolina Commission on Prosecution Coordination**

### **Section I.**

#### **Executive Summary**

The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State. The increase of criminal cases in both the General Sessions and Family Courts challenge the agency in fulfilling its statutory obligations. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program (PTI), a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor.

#### **1. Mission Statement:**

The SC Commission on Prosecution Coordination (SCCPC) coordinates all administrative functions of the offices of the Solicitors and affiliate services to include submission of the budgets, developing and providing both legal education and training programs, and serving as a clearinghouse and distribution source for publications involving Solicitors and affiliate services, provide blank indictments, and assists the Solicitors in establishing and maintaining a pretrial intervention program in each judicial circuit.

#### **2. Major Achievements from 2005/06**

The Commission's major achievements from the past year are listed below.

- Two (2) DUI training seminars which provided continuing legal education (CLE) credits for prosecutors, continuing law enforcement (CLEE) credits for officers, and Judicial Continuing Legal Education (JCLE) for judges
- Two (2) victim/witness assistance advocates training programs
- One (1) Child Abuse Prosecution training programs
- Two (2) PTI training programs
- PTI software update during FY 05/06
- State PTI Office processed approximately 13,000 applicants for participation in local PTI programs
- One (1) Child Abuse Prosecution publications
- Two (2) newsletter publications of *Behind the Wheel*, a DUI newsletter
- Approximately 107 child sexual abuse cases were reviewed by the agency resulting in either consultations or criminal prosecutions
- Working on a youth alcohol public awareness kit, "Grave Consequences," with South Carolina Educational Television Network and South Carolina Department of Public Safety.

### **3. Business Overview of the Opportunities and Barriers**

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators.

#### **Section II. Organizational Profile:**

##### **A. The Commission has the following duties:**

1. Coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;
2. Submit the budgets of the Solicitors and their affiliate services to the General Assembly;
3. Encourage and develop legal education programs and training programs for Solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving Solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State; and
4. Provide blank indictments for the Circuit Solicitors.

##### **B. Key Customers**

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators.

##### **C. Key Stakeholders**

Ultimately it is the citizens of the State of South Carolina; however, the primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators.

##### **D. Key Suppliers and Partners:**

The key suppliers and partners are the sixteen Judicial Circuit Solicitors and their staff as well as the other criminal justice agencies.

##### **E. Operation Location:**

The following **operation locations** apply to the SC Commission on Prosecution Coordination:

1003 Gervais Street  
Post Office Box 11561 (29211-1561)  
Columbia, South Carolina (29201)  
Phone: (803) 343-0765  
Fax: (803) 343-0766  
E-mail: [wdbilton@prosecution.state.sc.us](mailto:wdbilton@prosecution.state.sc.us)

**F. Employees** *(all unclassified)*

The Commission has a total of forty-two (42) full-time employees and two (2) part-time employees. There are sixteen (16) Judicial Circuit Solicitors; sixteen (16) Administrative Assistants; one (1) Executive Director; one (1) Deputy Director; one (1) Administrative Assistant to the Commission; one (1) State PTI Coordinator; one (1) PTI Records Manager; one (1) Child Abuse Attorney Specialist; one (1) State Victim/Witness Assistance Coordinator (vacant); and, one (1) Child Victim/Witness Advocate (federal) one (1) DUI Attorney Specialist (federal); and, one (1) part-time DUI Support Personnel (federal).

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The key suppliers of criminal justice data and information to the Commission are the various law enforcement, correctional, rehabilitative, executive, legislative and judicial entities of the federal, state and local governments.

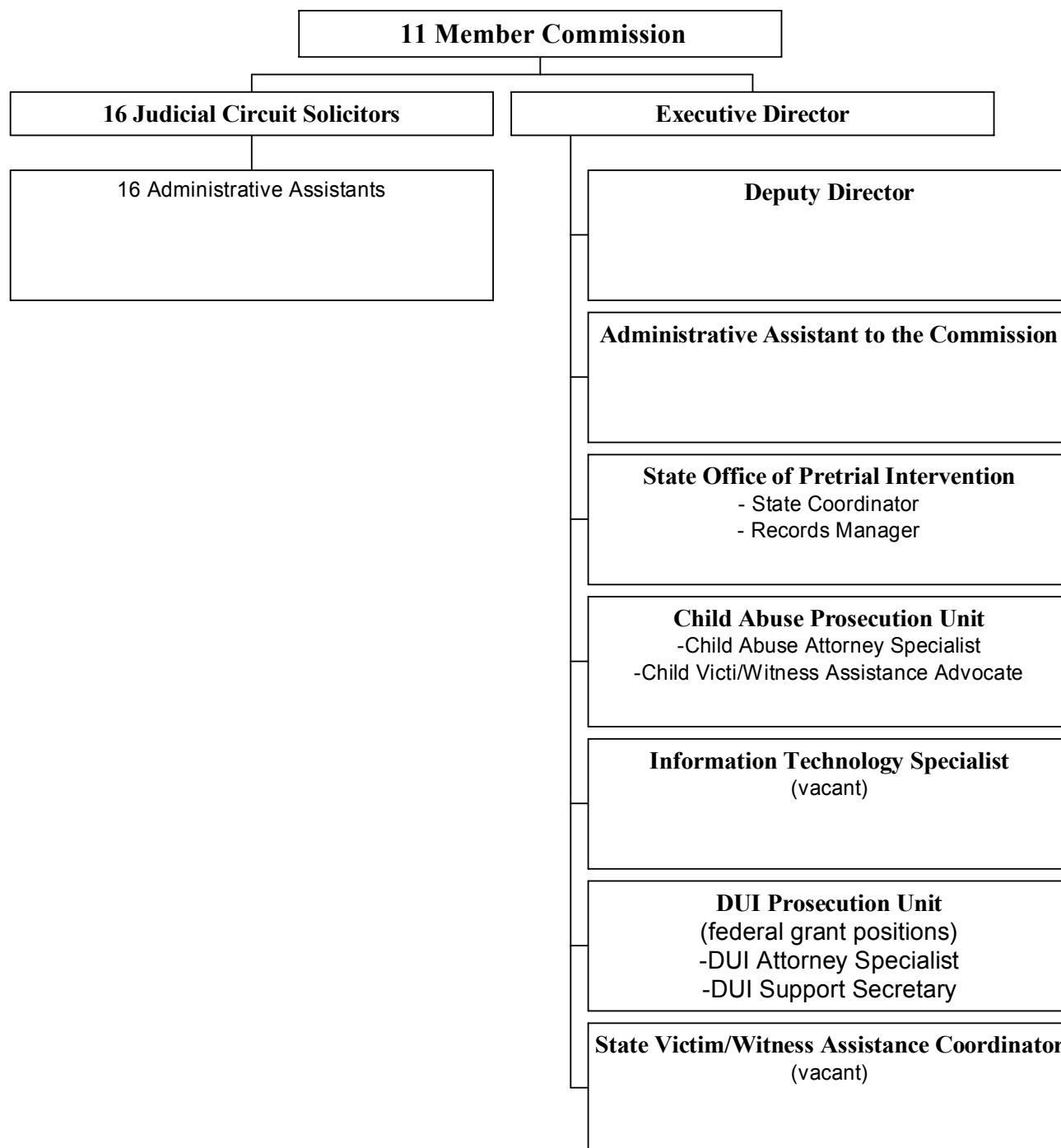
The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The pretrial intervention programs are governed by Sections 17-22-10 through 17-22-170 of the South Carolina Code of Laws. The following duties pertain to the Commission:

1. coordinates all administrative functions of the offices of the solicitors and any affiliate services;
  - a. coordination of prosecutorial issues with law enforcement entities
  - b. coordination of prosecutorial issues with judicial entities
  - c. coordination of prosecutorial issues with rehabilitation entities
  - d. coordination of prosecutorial issues with victim/witness assistance programs
  - e. coordination of prosecutorial issues with Pretrial Intervention Programs
  - f. coordination of prosecutorial issues with Alternative Programs
    - Drug Treatment Courts
    - Juvenile Arbitration
    - Community Advocacy Pilot Program
    - Pretrial Intervention Programs
2. the submission of the budgets of the solicitors and their affiliate services to the General Assembly;
  - a. preparation of the Budget Requests
  - b. preparation of the Detail Budget
  - c. preparation of the Annual Accountability Report
  - d. preparation of Fiscal Impacts for the General Assembly
3. providing both legal education and training programs;
  - a. accredited CLE training for Prosecutors
  - b. accredited JCLE training for Circuit, Family and Summary Court Judges
  - c. accredited CLEE training for Law Enforcement, Investigators And Coroners
  - d. accredited CEU training for Victim/Witness Assistance Advocates (VWAA)
  - e. accredited CEU training for Pretrial Intervention (PTI) personnel
4. a source for the distribution of publications that impact solicitors' offices and affiliate services;
  - a. Training manuals for prosecutors, judges, law enforcement, investigators, coroners, VWAA, and PTI personnel
  - b. Legislative Update
  - c. *Behind the Wheel* newsletter publication
  - d. SC PTI and Juvenile Services State Data Directory
  - e. Victim/Witness Assistance Advocates Directory
  - f. National publications for highway safety issues, information technology, training programs,
  - g. "Grave Decisions" youth alcohol public awareness kit,
5. a statewide prosecution unit for abuse and sexual assault cases involving child victims as both the primary and secondary prosecutorial unit

6. providing blank indictments; and,
    - a. a contract exists between the Commission and Wentworth Printers for the preparation, printing and distribution of indictments
  7. assisting the solicitors in establishing and maintaining a Pretrial Intervention Program in each judicial circuit
    - a. currently, there are thirty (30) programs across the State in the sixteen judicial circuits
    - b. developed the “SC Pretrial Intervention Standards”
    - c. developed the “SC Pretrial Intervention Standardized Procedures”
    - d. Submits and updates the participants’ records to State Law Enforcement Division (SLED)
    - e. prepares and provides participant reports to the local PTI Directors
    - f. Criminal History Check on PTI applicants
    - g. coordination with SLED on PTI database and NCIC issues
    - h. management of the State PTI Form
    - i. researches PTI information on behalf of the Offices of the Solicitors.
    - j. Coordinates by-annual Directors’ training/meetings
    - k. Research and assist other criminal and juvenile justice agencies as it pertains to PTI
    - l. Continue the coordination for developing a PTI software program with local offices and SLED
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## South Carolina Commission on Prosecution Coordination



## **Category 1: LEADERSHIP**

The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pretrial Intervention Program, a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor. The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State.

There is created a permanent Executive Committee of the South Carolina Commission on Prosecution Coordination which is composed of the five Judicial Circuit Solicitors appointed by the Governor pursuant to SC Code Section 1-7-920(6) whose duties shall include the development and implementation of policies for a SCCPC Personnel Plan which shall include: establishment of policies and procedures for the employment and separation of employees; establishment of guidelines for the effective management and supervision of employees; and review staff requirements and needs of the Commission and Solicitors.

The sixteen (16) Judicial Circuit Solicitors represent the various judicial circuits as established by law. There is one solicitor for each judicial circuit, to be elected by the qualified electors of the circuit, who holds his office for the term of four years. A solicitor must be licensed to practice law by the South Carolina Bar at the time of his election and throughout his term. The Solicitors of this State are full-time employees of the State of South Carolina. The Solicitors are officers of the Executive Department of this State. On behalf of the State, the Circuit Solicitor's office prosecutes trial-level criminal cases and handles juvenile matters. The Solicitor attends the courts of General Sessions for their respective circuits. Preparation of the dockets for General Sessions Court is exclusively vested in the circuit solicitor and the solicitors determine the order in which the cases on the docket are called for trial. Their legal authorization is established in the Constitution of South Carolina, Article V, Section 20, and the Code of Laws of South Carolina, Title 1, Section 1-7-310 (1977), establishes the position of Circuit Solicitor.

## **Category 2: STRATEGIC PLANNING**

The SCCPC meets on a regular basis to address the coordination of all activities involving the prosecution of criminal cases in this State. The Commission serves to coordinate all administrative functions of the offices of the solicitor and any affiliate services operating in conjunction with the Solicitor's office. The Commission promulgates those regulations necessary to assist it in performing its required duties.

The Executive Committee of the SCCPC meets on a regular basis to develop and implement a personnel plan and to address any specific personnel request that relate to hiring, separation and related matters regarding its employees.

The Judicial Circuit Solicitors serve as the Agency Head for any Commission employee working directly under his supervision.

On behalf of the State, the Solicitor coordinates the prosecution of trial-level criminal

cases and handles juvenile matters in the Judicial Circuit. State appropriations are provided to the Office of Solicitor for these specific purposes.

Proviso 33.3 of the General Appropriations Act provides that the amount appropriated and authorized in this section for Judicial Circuits (16) State Support may, upon approval of the Commission, be used to fund necessary administrative and personnel costs of the Commission and other expenditures approved by the Commission, not to exceed 5% of the appropriation, and the balance thereafter remaining shall be apportioned among the circuits on a per capita basis and based upon the official census of 1990. Payment shall be made as soon after the beginning of the first and third quarter as practical.

### **Category 3: CUSTOMER FOCUS**

The Commission serves the Offices of the sixteen (16) Judicial Circuit Solicitors and any affiliate services operating in conjunction with the Solicitors' offices. Currently, those affiliate services are as follows: Pretrial Intervention programs, Victim/Witness Assistance programs, Investigator programs; Drug Treatment Courts, and Juvenile Arbitration programs.

### **Category 4: MEASUREMENT, ANALYSIS AND KNOWLEDGE MANAGEMENT**

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy solicitors and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention programs representing the forty-six (46) counties of this state, and those Solicitors-based investigators.

The Commission is providing statistical data in five (5) areas: information technology, Child Abuse Prosecution, State Office of Pretrial Intervention, DUI Prosecution Unit, and State Victim/Witness Assistance Coordinator.

A. Child Abuse Prosecution Unit: Within the Commission is the Child Abuse Prosecution Unit composed of an experienced attorney who prosecutes cases involving traumatized child victims in rural districts/regions where resources are limited. A Child Victim/Witness Assistance Advocate assists the Child Abuse Attorney Specialist by performing certain duties.

#### **Case Statistics:**

Cases Assigned for Prosecution	72
Cases for Consultation	31
Parole Hearings	<u>4</u>
<b>Total:</b>	<b>107</b>

#### **Victim Services:**

Child Victims of Physical Abuse or Sexual Assault	193
Adults Survivors of Sexual Assault	4
<b>Parents or Guardians of Abuse Victims</b>	<b><u>116</u></b>
<b>Total:</b>	<b>313</b>

#### **Training Presentations:**

Lecturer, June, 2005	Children's Law Center
Lecturer, Sept. 2005	SC Solicitors' Association Conference
Member (2005/06)	SC Dept. of Probation, Parole, & Pardon Services- Victims Advisory Council

**Publications:**

*Sexual Assault and Child Abuse Prosecutions – Trial Notebook*, published September 2005

C. State Office of Pretrial Intervention: Within the Commission is the State Office of Pretrial Intervention whose responsibility is to assist the Solicitor in each judicial circuit in establishing and maintaining a pretrial intervention program. The State Pretrial Intervention Coordinator and such staff which are necessary to assist in the implementation of the provisions of SC Code Sections 17-22-10 through 17-22-170 are within this office.

(1) Calendar Year 2005 Case Volume and Information:

Applications	13,007
Accepted	11,157
Pending Acceptance	328
Rejected	1,379
Pending Completion	1,235
Successfully Completed	8,536
Unsuccessfully Completed	2,146

Total Community Service Hours	281,021
Total Restitution Paid to Victims	769,311.69
Total Cases with Restitution	10,657

Number of Applications of Magistrate Cases	3,903
Number of Applications of Municipal Cases	4,075
Number of Applications of General Sessions Cases	5,230

(2) Training and Resource Materials:

SCAPTI Fall Conference ( <i>coordination</i> )	September 2005
SCAPTI Spring Conference ( <i>coordination</i> )	April 2006
“Nuts and Bolts” Training	November 2005
<u>2006 Diversion Programs Directory</u>	May 2006
PTI Software Updated	FY 05-06
PTI Director's Meetings	October 2005 December 2005 February 2006

May 2006

D. DUI Prosecution Unit Within the Commission is the DUI Unit composed of a DUI Attorney Specialist and one (1) full-time Administrative Assistant. Currently, this program is being funded by the Department of Transportation, National Highway Traffic and Safety Administration through the SC Department of Public Safety. The goal of the grant is to establish a clearinghouse of DUI related information for prosecutors, law enforcement, judges, and other entities to enhance the effective prosecution of DUI cases. *The grant ended September 30, 2005.*

(1) Training and Resource Materials:

DUI Newsletter – <u>Behind the Wheel</u>	August 2005
“DUI Trial Advocacy from “A” to “V” (Arrest to Verdict)” Training	August 19-20, 2005
	September 28, 2005
2005 Annual SC Solicitors Association Conference	September 28, 2005

D. State Victim/Witness Assistance Coordinator: (*Vacant*) Within the Commission there is a State Victim/Witness Assistance Coordinator whose primary responsibility is to coordinate the functions of the Victim/Witness Assistance Programs in the Office of Solicitor.

(1) Training and Resource Materials:

July 2005 – SC Commission on Prosecution Coordination Victim/Witness Assistance Advocates Directory	
September 2005	“Prosecution: New Expectations”

## **Category 5: HUMAN RESOURCES**

The Commission encourages and develops legal education programs and training programs for solicitors and their affiliate services, organizes and provides seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and acts as a clearinghouse and distribution source for publications involving the solicitors and their affiliate services and provides legal updates on matters of law affecting the prosecution of cases in this State.

The Commission surveys the various Solicitors’ offices and affiliate services to ascertain the need for future various training components as well as the skill level. Each Agency Head is responsible for the submission of an annual employee performance evaluation. These evaluations are utilized to determine the criteria for future training programs throughout the various affiliate services.

## **Category 6: PROCESS MANAGEMENT**

The Commission provides blank indictments for the Judicial Circuit Solicitors. Currently, the Commission is in the final phases of providing an electronic process for developing General Sessions Court indictments and Family Court petitions in a prosecutorial-based case management system. The prosecutorial-based case management system will also allow the sharing of criminal and juvenile justice information among the various Solicitors' offices. In addition, the Commission is constructing a website to improve the communication of information relating to the various Solicitors' offices and their affiliate services.

## **Category 7: RESULTS**

The South Carolina Commission on Prosecution Coordination's primary purpose is the coordination of activities involving the prosecution of criminal cases in this State. The South Carolina Court Administration is the State's repository of criminal records for both General Sessions Court and Family Court. Court Administration's year-end reports best describe the activities of the Office of Solicitor as it relates to adult and juvenile prosecutions. In the area of adult criminal prosecution, please consider the following: In FY 2004-2005, the Solicitors of this State disposed of 112,738 in General Sessions Court. During FY 2003-04, they disposed of 112,267. In the area of juvenile criminal prosecution, please consider the following: In FY 2004-2005, the Solicitors of this State disposed of 19,486 Family Court petitions. During FY 2004-05, they disposed of 19,278.

South Carolina Court Administration's goal of the disposition of criminal cases within 180 days from the date of arrest is a significant factor in all prosecutorial decisions. Currently, 80% of all Family Court petitions are being disposed of within 270 days or less and 80% of all General Sessions warrants are being disposed of within 180 days or less. The number of General Sessions Court and Family Court cases handled by the sixteen (16) Judicial Circuit Solicitors have consistently increased over the past decade. However, there is annually an increasing backlog of cases to be addressed. Without proper funding of the Offices of Solicitor and other criminal and juvenile justice agencies, the backlog will continue to increase and cases will become more stale as they await their dispositional dates.

## Accountability Report Appropriations/Expenditures Chart

### Base Budget Expenditures and Appropriations

Major Budget Categories	FY 04-05 Actual Expenditures		FY 05-06 Actual Expenditures		FY 06-07 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 2,748,806	\$ 2,675,797	\$ 2,769,205	\$ 2,719,282	\$ 2,755,693	\$ 2,755,693
Other Operating	\$ 269,908	\$ 201,936	\$ 367,129	\$ 214,966	\$ 214,148	\$ 214,148
Special Items	\$ 9,086,933	\$ 4,043,572	\$ 10,187,626	\$ 4,640,001	\$ 12,019,353	\$ 6,840,001
Permanent Improvements						
Case Services						
Distributions to Subdivisions						
Fringe Benefits	\$ 1,237,653	\$ 1,220,510	\$ 1,260,318	\$ 1,248,402	\$ 1,276,554	\$ 1,276,554
Non-recurring			\$ 440,000	\$ 440,000	\$ 1,950,000	\$ 1,950,000
<b>Total</b>	\$ 13,343,300	\$ 8,141,815	\$ 15,024,278	\$ 9,262,651	\$ 18,215,748	\$ 13,036,396

### Other Expenditures

Sources of Funds	FY 04-05 Actual Expenditures	FY 05-06 Actual Expenditures
Supplemental Bills		
Capital Reserve Funds		
Bonds		